

**SUPREME COURT MINUTES
MONDAY, AUGUST 9, 2010
SAN FRANCISCO, CALIFORNIA**

S078404**PEOPLE v. BRADY (ROGER
HOAN)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Werdegarr, J.

-- joined by George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S171442

B194209 Second Appellate District, Div. 3

**LU (LOUIE HUNG KWEI) v.
HAWAIIAN GARDENS
CASINO, INC.**

Opinion filed: Judgment affirmed in full

Based on the above, we affirm the Court of Appeal's judgment and remand the matter for further proceedings consistent with this opinion.

Majority Opinion by Chin, J.

-- joined by George, C. J., Kennard, Baxter, Werdegarr, Moreno, and Corrigan, JJ.

S174229

B212512 Second Appellate District, Div. 7

**CLARK (JAMES A.) v. S.C.
(NATIONAL WESTERN LIFE
INSURANCE COMPANY)**

Opinion filed: Judgment reversed

The judgment of the Court of Appeal is reversed.

Majority Opinion by Kennard, J.

-- joined by George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S183832**CONNOLLY ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRIS CONNOLLY, State Bar Number 180392, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CHRIS CONNOLLY is suspended from the practice of law for the first 30 days of probation;
2. CHRIS CONNOLLY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 21, 2010; and

3. At the expiration of the period of probation, if CHRIS CONNOLLY has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHRIS CONNOLLY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2011 and 2012. If CHRIS CONNOLLY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately. CHRIS CONNOLLY must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5.

S183833**D'ALFONSI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FRANK ANGELO D'ALFONSI, State Bar Number 146104, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

FRANK ANGELO D'ALFONSI must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on April 1, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

FRANK ANGELO D'ALFONSI must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S183835**CASTORINA ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRYAN THOMAS CASTORINA, State Bar Number 162843, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. BRYAN THOMAS CASTORINA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on April 21, 2010; and
2. At the expiration of the period of probation, if BRYAN THOMAS CASTORINA has complied with the terms of probation, the two-year period of stayed suspension will be

satisfied and that suspension will be terminated.

BRYAN THOMAS CASTORINA must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. BRYAN THOMAS CASTORINA must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5.

S183838**SHIVELL ON DISCIPLINE**

Recommended discipline imposed

The court orders that ELIZABETH LANGAN SHIVELL, State Bar Number 98471, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. ELIZABETH LANGAN SHIVELL is suspended from the practice of law for a minimum of the first year of probation, and she will remain suspended until the following requirements are satisfied:
 - i. She makes restitution to Gloria Gordon in the amount of \$2,500 plus 10 percent interest per year from February 29, 2008 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Gloria Gordon, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If she remains suspended for two years or more as a result of not satisfying the preceding condition, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. ELIZABETH LANGAN SHIVELL must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 6, 2010.
3. At the expiration of the period of probation, if ELIZABETH LANGAN SHIVELL has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

ELIZABETH LANGAN SHIVELL must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

ELIZABETH LANGAN SHIVELL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40

calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S183841**McFADDEN, JR., ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROBERT JAMES McFADDEN, JR., State Bar Number 71883, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROBERT JAMES McFADDEN, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S183842**CHIOZZA ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD JAMES CHIOZZA, State Bar Number 142575, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. RICHARD JAMES CHIOZZA is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirement is satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. RICHARD JAMES CHIOZZA must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 22, 2010.
3. At the expiration of the period of probation, if RICHARD JAMES CHIOZZA has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD JAMES CHIOZZA must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

RICHARD JAMES CHIOZZA must also comply with rule 9.20 of the California Rules of Court

and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. RICHARD JAMES CHIOZZA must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5.